



DOCKET NO. 3211.1001-001

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: Keizo Koya, Lijun Sun, Yaming Wu, Timothy Korbut, Dan Zhou, Zhenjian Du, Shoujun Chen, Noriaki Tatsuta, Guiqing Liang, and Mitsunori Ono

Application No.: 10/758,589

Filed: January 15, 2004

Confirmation No: 5403

For: TREATMENT FOR CANCERS

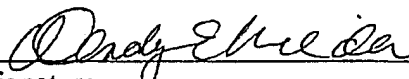
The owner, Synta Pharmaceuticals Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 7,385,084. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

10/1/08  
Date

  
Signature

Wendy E. Rieder  
Typed or printed name

Synta Pharmaceuticals Corp.  
Name of Corporation

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventor(s): Keizo Koya, Lijun Sun, Yaming Wu, Timothy Korb, Dan Zhou, Zhenjian Du, Shoujun Chen,  
Noriaki Tatsuta, Guqing Liang and Mitsunori Ono

Application No./Patent No.: 10/758,589 Filed/Issue Date: January 15, 2004

For: Treatment for Cancers

Synta Pharmaceuticals Corp., a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: June 21, 2004

Name: Wendy E. Rieder

Title: Vice President, IP- Legal Affairs

Signature: Wendy E Rieder

Joint

ASSIGNMENT

WHEREAS, we, **Keizo Koya, Lijun Sun, Yaming Wu, Timothy Korbut, Dan Zhou, Zhenjian Du, Shoujun Chen, Noriaki Tatsuta, Guiqing Liang and Mitsunori Ono**, have invented a certain improvement in **TREATMENT FOR CANCERS** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/758,589**, filed **January 15, 2004**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [   ], which designates the United States of America;
- ☐ which was patented under United States Patent No. [   ].

WHEREAS, **Synta Pharmaceuticals Corp.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **45 Hartwell Avenue, Lexington, Massachusetts 02421** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: \_\_\_\_\_

Keizo Koya

State/Commonwealth

of MA

County of Middlesex

Then personally appeared before me the above-named **Keizo Koya** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 17 day of March, 2008.

(SEAL)

Liza Eschelbacher Notary Public  
Liza Eschelbacher (print name)

My Commission expires 03/16/06  
06

Inventor's Signature: 

**Lijun Sun**

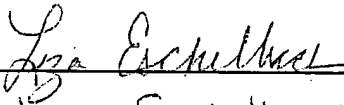
State/Commonwealth


of MA

County of Middlesex

Then personally appeared before me the above-named **Lijun Sun** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 17 day of March, 2004.

(SEAL)

 Notary Public  
Liza Eschelbacher (print name)  
My Commission expires 06/16/06

Inventor's Signature: 

**Yaming Wu**

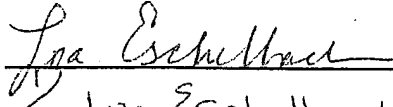
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of MA

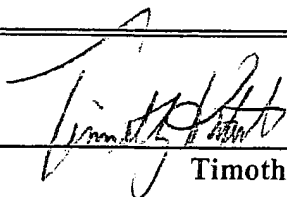
County of Middlesex

Then personally appeared before me the above-named **Yaming Wu** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 17 day of March, 2004.

(SEAL)

 Notary Public  
Liza Eschelbacher (print name)  
My Commission expires 06/16/06

Inventor's Signature: \_\_\_\_\_



**Timothy Korbut**

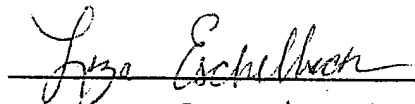
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of MA

County of Middlesex

Then personally appeared before me the above-named **Timothy Korbut** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 16 day of March, 2004.

(SEAL)

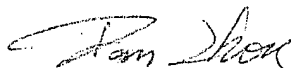


Notary Public

Liza Eschelbacher (print name)

My Commission expires 06 / 16 / 06

Inventor's Signature: \_\_\_\_\_



**Dan Zhou**

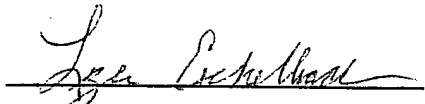
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of MA

County of Middlesex

Then personally appeared before me the above-named **Dan Zhou** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 17 day of March, 2004.

(SEAL)



Notary Public

Liza Eschelbacher (print name)

My Commission expires 06 / 16 / 06

Inventor's Signature: \_\_\_\_\_

Zhenjian Du

Zhenjian Du

State/Commonwealth

of MA

County of Middlesex

Then personally appeared before me the above-named **Zhenjian Du** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 16 day of March, 2004.

(SEAL)

Liza Eschelbacher Notary Public  
Liza Eschelbacher (print name)  
My Commission expires 06/16/06

Inventor's Signature: \_\_\_\_\_

Shoujun Chen

Shoujun Chen

State/Commonwealth

of MA

County of Middlesex

Then personally appeared before me the above-named **Shoujun Chen** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 17 day of March, 2004.

(SEAL)

Liza Eschelbacher Notary Public  
Liza Eschelbacher (print name)  
My Commission expires 06/16/06

Inventor's Signature: \_\_\_\_\_



**Mitsunori Ono**

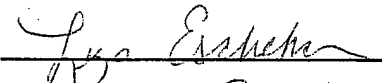
State/Commonwealth

of MA

County of Middlesex

Then personally appeared before me the above-named **Mitsunori Ono** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 16 day of March, 2004.

(SEAL)



Notary Public

Liza Eschelbacher (print name)

My Commission expires 06 / 16 / 06